

## REMARKS

In the Office Action dated August 13, 2003, the Examiner (A) indicated that the declaration was defective; (B) rejected claims 1, 3, 7-13, 15, 18-19, 22-23, 26-27, 29, and 31 under 35 U.S.C. § 112, second paragraph; (C) rejected claims 1, 3-5, 8, 10, and 12 under 35 U.S.C. § 102(b); (D) rejected claims 13, 15, 18, 23-24, 26-27, and 29 under 35 U.S.C. § 102(b); (E) rejected claims 2, 6-7, 9, and 11 under 35 U.S.C. § 103(a); (F) rejected claims 14, 20-22, 24, 28, and 30-34 under 35 U.S.C. § 103(a); and (G) rejected claims 16 and 17 under 35 U.S.C. § 103(a). To the extent the Examiner relies on common knowledge in the art for the § 103(a) rejections, Applicants respectfully request the Examiner to provide references supporting his position. (See M.P.E.P. § 2144.03.)

Applicants have amended claims 1, 3, 8-10, 12, 13, 15, 18, 19, 22, 23, 24, 26, 27, 29, and 31. No new matter has been added. Applicants submit that claims 1-34 are in condition for allowance and respectfully request notice to this effect.

### **A. Response to Request for New Oath or Declaration**

The Office Action stated that the declaration was defective because the title of the invention was not properly disclosed. A new declaration in compliance with 37 C.F.R. § 1.67(a) is enclosed as an attachment to this Response.

## **B. Response to the 35 U.S.C. § 112, Second Paragraph Rejection**

Claims 1, 3, 7-13, 15, 18-19, 22-23, 26-27, 29, and 31 were rejected under 35 U.S.C. § 112, second paragraph, because the word “substantially” renders the claim indefinite as it is unclear whether the limitations following the phrase are part of the claimed invention. The word “substantially” was deleted from claims 1, 3, 8, 10, 12, 13, 15, 18, 19, 22, 23, 24, 26, and 29. Additionally, the word “substantially” was deleted partially in claims 9, 27, and 31. The word “substantially” was not deleted from claims 7 and 11.

The word “substantially” does not necessarily render a claim indefinite. (See M.P.E.P § 2173.05(b).) Claims 7, 9, and 11 limit the dimension of a hole to substantially 0.020 inches in diameter and 0.170 inches long. One of ordinary skill in the art would understand that the word “substantially” as used in this context means that a slight variation in these dimensions is claimed subject matter. Further, claims 27 and 31 limit a diffusion barrier to be substantially covering a getter. One of ordinary skill in the art would understand that the word “substantially” as used in this context means that a getter that is not completely covered by the diffusion barrier is claimed subject matter. Accordingly, the word “substantially” as used in these claims does not render these claims indefinite.

## **C. Response to the 35 U.S.C. § 102(b) Podgorski ‘691 Rejection**

Claims 1, 3-5, 8, 10, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,670,691 (“Podgorski ‘691”). Claims 1, 3, 8, 10, and 12 have been amended. In claims 1 and 10, Applicants recite a system and method for restricting a getter. A getter is located in a getter well, which is removed from a cavity. A hole is located between the

getter well and the cavity. The hole restricts the gas flow into the getter well, which causes the getter to absorb non-inert gas at a slower rate. (See, e.g., Applicants' Abstract.)

In contrast, Podgorski '691 teaches a getter well located within the cavity. Podgorski '691 describes a method for introducing getter material into gas discharge devices. (See, e.g., Podgorski '691, column 1, lines 7-10.) Podgorski '691 introduces the getter material by using an anode that is composed of, at least in part, a getter material. (See, e.g., Podgorski '691, column 2, lines 36-51.) The anode is in communication with the cavity. (See, e.g., Podgorski '691, column 2, lines 13-18 and Fig. 1.) The Office Action describes the control guide of the anode as a getter well. Thus, the getter well as described by the Office Action is also in communication with the cavity. (See, e.g., Podgorski '691, Fig. 1.)

Podgorski '691 does not teach a method for restricting the getter, but a method for introducing the getter material into the cavity. The getter well as taught by Podgorski '691 is located in the cavity, and thus, a hole located between the getter well and the cavity is unnecessary. Because Podgorski '691 does not teach a getter well removed from a cavity or a hole between a getter well and the cavity, Podgorski '691 does not teach each and every element of claims 1 and 10. Accordingly, Applicants submit that Podgorski '691 does not anticipate claims 1 and 10.

Claims 3-5 and 8 depend from claim 1. Claim 12 depends from claim 10. Accordingly, Applicants submit that Podgorski '691 also does not anticipate claims 3-5, 8, and 12.

#### **D. Response to the 35 U.S.C. § 102(b) Podgorski '985 Rejection**

Claims 13, 15, 18, 23-24, 26-27, and 29 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,740,985 ("Podgorski '985"). Claims 13, 15, 18, 23-24, 26-27, and 29 have been amended. In claims 13 and 23, Applicants recite a system and method for restricting a getter. A getter is located in a getter well. A disk separates the getter well from a cavity located in a gyroscope block. The disk and the gyroscope block are composed of the same type of material. By selecting the same type of material for both the disk and the gyroscope block, these components may have the same temperature coefficients, which may reduce thermal expansion and contraction problems. (See Applicants' Specification, page 9, lines 18-20.)

In contrast, Podgorski '985 describes a disk material that is different than the block material. Podgorski '985 teaches a method of preventing getter materials from entering into the lasing cavity by using an end cover. (See, e.g., Podgorski '985, column 1, line 66 to column 2, line 8.) The end cover is composed of a material, such as the metal Zirconium, which allows hydrogen to enter the getter well, but does not allow particulate getter material to enter the cavity. (See, e.g., Podgorski '985, column 3, line 39 to column 4, line 7.) Podgorski '985 references U.S. Patent No. 3,390,606 ("Podgorski '606") to describe the laser block. (See Podgorski '985, column 2, lines 21-24.) Podgorski '606 describes the block as composed of quartz or ceramic. (See, e.g., Podgorski '606, column 2, lines 3-16.)

Because Podgorski '985 teaches using a different type of material for the end cover and the laser block, Podgorski '985 does not teach each and every element of claims 13 and 23. Thus, Applicants submit that Podgorski '985 does not anticipate claims 13 and 23.

Claims 15 and 18 depend from claim 13. Claims 24 and 26 depend from claim 23. Accordingly, Applicants submit that Podgorski '985 also does not anticipate claims 15, 18, 24, and 26.

In claim 27, Applicants recite a system for restricting a getter with a diffusion barrier that substantially covers the getter. The diffusion barrier reduces the rate at which the getter absorbs non-inert gases.

In contrast, Podgorski '985 does not discuss using a diffusion barrier on the getter material itself. As described above, Podgorski '985 teaches a method for preventing getter materials from entering into the lasing cavity by using an end cover placed between the getter well and the cavity. The end cover does not cover the getter. A diffusion barrier covering the getter to reduce the rate at which the getter absorbs non-inert gases is unnecessary to solve the problem addressed by Podgorski '985. Because Podgorski '985 does not teach a diffusion barrier covering the getter, Podgorski '985 does not teach each and every element of claim 27. Thus, Applicants submit that Podgorski '985 does not anticipate claim 27.

Claim 29 depends on Claim 27. Accordingly, Applicants also submit that Podgorski '985 does not anticipate claim 29.

#### **E. Response to the 35 U.S.C. § 103(a) Podgorski '691 Rejection**

Claims 2, 6-7, 9, and 11 were rejected under 35 U.S.C. § 103(a) as being obvious in light of Podgorski '691. Claim 9 has been amended. Claims 2 and 6-7 depend from claim 1. Claim 11 depends from claim 10. Accordingly, Applicants submit that claims 2, 6-7, and 11 are not obvious in light of Podgorski '691.

In claim 9, Applicants recite a system for restricting a getter. The system includes a getter well removed from a cavity. Additionally, the system includes a hole located between the getter well and the cavity. As described above, Podgorski '691 does not teach a getter well removed from a cavity or a hole between a getter well and the cavity. Accordingly, Podgorski '691 does not teach each and every element of claim 9. Thus, Applicants submit that claim 9 is not obvious in light of Podgorski '691.

#### **F. Response to the 35 U.S.C. § 103(a) Podgorski '985 Rejection**

Claims 14, 20-22, 24, 28, and 30-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Podgorski '985. Claims 22, 24, and 31 have been amended. Claims 14, 20, and 21 depend from claim 13. Claim 24 depends from claim 23. Claims 28 and 30 depend from claim 27. Accordingly, Applicants submit that claims 14, 20, 21, 24, 28, and 30 are not obvious in light of Podgorski '985.

In claim 22, Applicants recite a system for restricting a getter in which the disk and the gyroscope block are both composed of glass. As described above, Podgorski '985 teaches an end cover composed of metal and a block composed of quartz or ceramic. Accordingly, Podgorski '985 does not teach each and every element of claim 22. Thus, Applicants submit that claim 22 is not obvious in light of Podgorski '985.

In claims 31-32, Applicants recite a diffusion barrier substantially covering the getter. As described above, Podgorski '985 does not teach a diffusion barrier covering the getter. Accordingly, Podgorski '985 does not teach each and every element of claims 31-32. Thus, Applicants submit that claims 31-32 are not obvious in light of Podgorski '985.

Claims 33 and 34 depend from claim 32. Accordingly, Applicants submit that claims 33-34 are also not obvious in light of Podgorski '985.

**G. Response to the 35 U.S.C. § 103(a) Podgorski '985/Morris Rejection**

Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Podgorski '985 in view of U.S. Patent No. 5,856,995 to ("Morris"). Claims 16-17 depend from claim 13. As described above, Podgorski '985 does not teach using the same type of material for both the end cover and the laser block. Morris fails to overcome this deficiency in Podgorski '985. Accordingly, Applicants submit that claims 16-17 are not obvious in light of the combination of Podgorski '985 and Morris.

**CONCLUSION**

In light of the above amendments and remarks, Applicants submit that the present application is in condition for allowance and respectfully request notice to this effect. The Examiner is requested to contact Applicants' representative below if any questions arise or she may be of assistance to the Examiner.

Respectfully submitted,

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